

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on January 23, 2008 in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Commissioner Bourque at 6:00 PM. Commissioner David Arsenault was present. Chairman Judge arrived at 6:25PM and assumed the Chair.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the regular meeting held on January 7, 2008 were approved 3/0.

II. NEW APPLICATIONS

St. Bernard's Elementary School PTO for Special One Day Wine and Malt Beverages License for a Turkey/Meat Raffle on March 8, 2008 from 6PM to 11PM at St. Bernard's Elementary School.

APPROVED 3/0.

III. SUMMONS HEARING

Hearing to be conducted upon notification by the City Treasurer, Brian Doheny of failure to pay local taxes, fees, assessments, betterments or other such municipal charges for a period in excess of twelve months. Hearings to be conducted under the authority granted to the License Commission by Fitchburg City Code Chapter 120, Article III, Payment of Taxes. Hearings may result in suspension or revocation of license to serve alcohol.

The following establishment has been summonsed:

The Boulder, 886 Main St.

Present was Mr. Chris Bujold representing The Boulder and City Treasurer, Brian Doheny. Mr. Bujold stated that he would pay the outstanding fees by the end of January and signed an agreement with the City Treasurer to that effect.

City Treasurer Brian Doheny reported to the Board that the following establishments have not followed through on agreements with him to pay outstanding fees:

Kathleen Denmark, Dempsey's Pub

Michael Gibeault, Karma at Bourbon Street

Note: It was noted after the City Treasurer had left the meeting that Michael Gibeault was present in the room. Commissioner Bourque instructed Mr. Gibeault to meet with the City Treasurer to clear up the outstanding fees. Commissioner Arsenault stated to Mr. Gibeault that the issue must be taken care of prior to the next meeting of the License Commission.

IV. CONTINUED SUMMONS HEARING

Hearing to discuss status of construction and opening of business:

John Kelly/Fat Jack's Cigar Bar, 13 Cushing St.

Present was John Kelly who reported that construction of the premises is complete and carpeting and furnishings are in place. He expects final inspections to take place within the next two weeks with opening day imminent.

V. CONTINUED MATTER

Receive complaint regarding allegation of violations at Hooligans, 29 Blossom St.

Written complaint regarding Hooligans, 29 Blossom St. received from Wanda Alvarado and Tony Reyes who were present. Also present was Ms. Erika Kirby. Ms. Kirby's husband was seated in the audience. A copy of the complaint was provided to Ms. Kirby.

Ms. Kirby stated that she has received two telephone calls from Ms. Alvarado over the past several months despite an agreement between them to call her for the disturbances. She stated that the complaints are not in regards to customers hanging around, she does not receive feedback from Ms. Alvarado and that she cannot know what is happening outside without a telephone call. She stated that she has done everything that she can to respond to the issues in the complaints.

Commissioner Bourque stated that he sat outside of Hooligans on January 18, 2008 with a police officer (Officer Lemay) to watch the activities outside of the bar. He stated that he was there from about 10:40PM to 1:25AM and saw no violations and no public urination. He stated that the police officer told him they would watch the bar for the next three months.

Ms. Kirby disputed her ability to control the outdoor activities of persons who may or may not have been patrons at her bar. Ms. Alvarado and Mr. Reyes reiterated the contents of their written complaints. Chairman Judge recommended that porta-potties be installed outdoors at Hooligans to provide those individuals who are urinating in public with an alternative and also that Hooligans station a security guard outside on a regular basis on Thursday, Friday and Saturday nights.

Commissioner Bourque stated to Ms. Kirby that she offers a great deal of comment at meetings but that she should also take time to listen to the other side and recognize that the License Commission is trying to help her. Ms. Kirby, in response, stated that she was insulted by the comments of Commissioner Bourque and that she did not want to continue the conversation. She left the room and did not return. Hearing was continued for ninety (90) days to allow the licensee time to comply with the recommendations of the Board to increase security inside and outside of the building and improve cooperation with the neighbors. Hearing to be re-opened at the meeting scheduled for April 23, 2008 by vote of 3/0.

The Clerk was instructed to send the licensee a letter to that effect.

VI. OTHER

- Discussion, upon his request, with Dr. Robert Hynes, Fitchburg State College Counseling services to discuss the new responsible beverage service.

Present was Dr. Robert Hynes. He stated that the college will sponsor three (3) trainings per year on responsible beverage service. These trainings will be offered to staff of local liquor establishments. He stated that others could attend the trainings but there would be a cost involved for those not associated with a licensed establishment.

- Continued discussion regarding letter sent on October 22, 2007 to the ABCC Legal Counsel requesting opinion on license transfer procedure.

Discussion continued to February 6, 2008.

- Continued discussion regarding possible pro-rating of annual license fees upon ownership transfer.
**Discussion occurred regarding possible pro-rated fee structures.
Motion to leave current fee schedule in place passed by vote of 2 in favor and 1 opposed (Judge).**

- Correspondence

Police reports 08-806-AR and 08-806-A-AR concerning The Other Side were reviewed. The Clerk was instructed to summons in The Other Side for Conduct of Business.

- Any other matter that may come before the Commission as time permits

The meeting adjourned at 8:36 PM.

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

William A. Judge

David F. Arsenault

Robert Bourque